

REMARKS

Claims 1-2, 4-12, 14, and 16-17 are now pending in the application. Claims 1-2, 4-12, 14, and 16-17 stand rejected. Claim 1 has been amended herein. Support for the amendments can be found throughout the application, drawings and claims as originally filed and, as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

FINALITY OF PREVIOUS OFFICE ACTION

Although not so specified in the Office Action, by way of the Office Action, Applicant assumes, and is grateful for, the withdrawal of the finality of the previous Office Action and that our submission filed on October 31, 2007 has been entered, pursuant to our Request for Continued Examination.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 1-2 and 4-11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, specifically regarding “the elbow having a length about the length of the first and second partitions” in Lines 14-15 of Claim 1 (Claims 2 and 4-11 have been rejected solely as being dependent upon a rejected claim). The Examiner’s attention is directed to Claim 1 which has been amended. Applicant notes that Figure 2, element 13, represents an opening as opposed to a height. Withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-2, 4, 6-7, 10-12, 14 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tetsushi (JP Pat. No. 2002-235872). Claims 5 and 8-9 stand rejected as being unpatentable over Tetsushi in view of Kraus (U.S. Pat. No. 5,947,426).

Applicant notes the Tetsushi reference has a publication date of August 23, 2002. This date is after Applicant's perfected German filing date of September 7, 2001. A certified German copy of the priority documents were filed October 21, 2004. As such, Applicant respectfully requests withdrawal of the rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: March 31 - 08

By: 
Christopher A. Eusebi, Reg. No. 44,672

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600
CAE/lf-s/smb